

1 WENDY M. KRINCEK, ESQ., Bar # 6417  
2 MARCUS B. SMITH, ESQ., Bar # 12098  
3 LITTLER MENDELSON, P.C.  
3960 Howard Hughes Parkway  
Suite 300  
Las Vegas, NV 89169-5937  
4 Telephone: 702.862.8800  
Fax No.: 702.862.8811  
5 Email: [wkrincek@littler.com](mailto:wkrincek@littler.com)  
[mbsmith@littler.com](mailto:mbsmith@littler.com)

6 Attorneys for Defendants  
7 Dreamdealers USA, LLC d/b/a Exotics Racing,  
8 David Perisset, and Roman Thievin

9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA

11 EDWARD B. DOUGLAS, an individual,  
12  
13 Plaintiffs,

14 vs.

15 DREAMDEALERS USA, LLC d/b/a  
EXOTICS RACING, A Nevada limited  
16 liability company, DAVID PERISSET, an  
individual, and ROMAN THIEVIN, an  
17 individual,

18 Defendant.

Case No. 2:17-cv-02134-APG-PAL

**PROPOSED STIPULATION AND ORDER  
TO EXTEND DISPOSITIVE MOTIONS  
DEADLINE**

**(THIRD REQUEST)**

19 Pursuant to Local Rules 6-1 and 26-4, Defendants, DREAMDEALERS USA, LLC d/b/a  
20 EXOTICS RACING, DAVID PERISSET, and ROMAN THIEVIN (hereinafter “Defendants”), and  
21 Plaintiff, EDWARD B. DOUGLAS (“Plaintiff”), by and through their respective attorneys of record,  
22 hereby stipulate to amend the Discovery Plan and Scheduling Order (ECF No. 27) by extending the  
23 outstanding discovery deadlines for a period of forty-five (45) days. This is the third request for an  
24 extension to the discovery plan and scheduling order in this matter. The requested extension is  
25 sought in good faith and not for purposes of undue delay.

26 ///

27 ///

1 **I. COMPLIANCE WITH LR-26-4**

2 Local Rule 26-4 and the Discover Plan and Scheduling Order provide that the parties' request  
3 to extend discovery must be submitted no later than 21 days prior to the date the parties seek to  
4 extend, otherwise the parties must show that the failure to timely submit the request was caused by  
5 excusable neglect. In this case, 21 days before the current October 1, 2018 dispositive motion  
6 deadline is September 10, 2018—today.

7 **II. DISCOVERY COMPLETED TO DATE**

8 The parties have completed all discovery.

9 **III. DISCOVERY THAT REMAINS TO BE COMPLETED**

10 Discovery is closed.

11 **IV. REASONS WHY THE DEADLINE WAS NOT SATISFIED OR THE REMAINING**  
12 **DISCOVERY WAS NOT COMPLETED WITHIN THE TIME LIMITS SET BY THE**  
13 **DISCOVERY PLAN**

14 All discovery has been completed within the time limits set by the discovery plan. The only  
15 remaining deadlines are (1) the deadline to file dispositive motions and (2) the deadline to submit a  
16 joint pre-trial order. Good cause exists to extend these remaining deadlines. The Parties only  
17 recently completed conducting depositions and exchanging supplemental discovery and, as such,  
18 additional time is needed to analyze the above and prepare dispositive motions. In addition, the  
19 length of the requested extension (45 days) is necessary because counsel for defendant is preparing  
20 for trial in October. Further, now that discovery has closed, the parties intend to resume settlement  
21 discussions.

22 The parties believe that barring any unforeseen circumstances, dispositive motions can be  
23 accomplished by the requested extended deadlines.

24 **REVISED DISCOVERY PLAN**

25 **1. Dispositive Motions Deadline**

26 The parties shall file dispositive motions 45 days after the discovery cut-off date, and  
27 therefore, not later than November 15, 2018.

28 **2. Joint Pretrial Order Deadline**

If no dispositive motions are filed, and unless otherwise ordered by this Court, the Joint

2.

1 Pretrial Order shall be filed 30 days after the date set for filing dispositive motions, and therefore,  
2 not later than December 17, 2018. In the event dispositive motions are filed, the date for filing the  
3 Joint Pretrial Order shall be suspended until 30 days after the Court enters a ruling on the dispositive  
4 motions or otherwise by further order of the Court.

5 4. Interim Status Report Deadline

6 The parties submitted an interim status report on Friday, June 1, 2018.

7 5. Extensions or Modification of the Discovery Plan and Scheduling Order:

8 In accordance with Local Rule 26-4, any stipulation or motion for modification or extension  
9 of this discovery plan and scheduling order must be made at least 21 days prior to the expiration of  
10 the subject deadline.

11 ///

12 ///

13 ///

Accordingly, the parties stipulate, subject to the approval of this Court, to the following new deadlines:

Deadline	Current Deadline	Revised Deadline
Dispositive Motions	Monday, October 1, 2018	Thursday, November 15, 2018
Joint Pretrial Order	Wednesday, October 31, 2018	Monday, December 17, 2018

Dated: September 10, 2018

Dated: September 10, 2018

Respectfully submitted,

Respectfully submitted,

/s/ Dustin L. Clark

/s/ Marcus B. Smith

DUSTIN L. CLARK, ESQ.  
CLARK LAW COUNSEL PLLC

WENDY M. KRINCEK, ESQ.  
MARCUS B. SMITH, ESQ.  
LITTLER MENDELSON, P.C.

Attorney for Plaintiff

Attorneys for Defendants

#### ORDER

**IT IS SO ORDERED.**

**IT IS FURTHER ORDERED** that no further extensions will be allowed.

Dated: September 12, 2018.

  
UNITED STATES MAGISTRATE JUDGE

Firmwide:156957425.1 087825.1002